D.B. CIVIL MISC. CONTEMPT PETITION NO.103/2007
Lichman Singh Vs. Ms. Gayatri A.Rathore & Anr.

Date : 18.04.2007

PRESENT

HON'BLE MR. JUSTICE RAJESH BALIA
HON'BLE MR. JUSTICE BHANWAROO KHAN

Mr. R.S. Shekhawat for the petitioner.

Heard learned counsel for the petitioner.

The petitioner has submitted the application that he is not being paid wages in terms of Section 17-B and, therefore, it is non-compliance of order dated 20th December, 2006 passed by this Court in D.B. Civil Special Appeal (W) No.148/2003.

The following order was passed in the aforesaid special appeal:-

> "In these circumstances, we are of the opinion that there is nothing which can prevent the operation of Section 17-B of the Act of 1947 in favour of the respondent workman notwithstanding the fact that the

> award has been stayed. The respondent workman has become entitled to claim last drawn emoluments from the date of making the application. If the respondent-workman has not been paid such amount, he can recover the same by invoking the provisions under Section 33-C of the Act."

It is obvious that this Court while declaring the entitlement of applicant to the emoluments in terms of Section 17-B has also directed that if in case he is not paid under Section 17-B, as per his entitlement he should seek his remedy under Section 33-C of the Industrial Disputes Act, 1947.

In these circumstance, we are not inclined to initiate contempt proceedings against the respondents. The applicant is free to pursue his remedy as observed by the Court in the order under I.D. Act for quantification of remuneration to which he is entitled and its recovery through attachment.

Subject to above, the application is rejected.

[BHANWAROO KHAN], J. [RAJESH BALIA], J.

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